IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NOs: 24744 & 25185 of 2004

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WRIT PETITION NO: 24744 of 2004:

Between:

1 Bingi Appa Rao, S/o. Late Papa Rao,
R/o. Jagannadhapuram Thota, Vizianagaram.
2 Sri Kantubhuktha Setaram, S/o. Late Suryanarayana,
R/o. Puligeddavari Veedhi, Vizianagaram.
3 Baggam Satya Narayana, S/o. Late Laxminarayana,
H.No.389, Poolbagh Colony, Vizinagaram.
4 Bola Raja Rao, S/o. Narasimha Murthy,
Boyi Veedhi, Vizianagaram.
5 Mohammad Ali, S/o. Late Mohuddin Shah,
Abadi Street, Vizianagaram.
6 Rallapati Narayana Rao, S/o. Late Govinda Rao,
Addepallivari Street, Vizianagaram.
7 V.A. Narayana, S/o. Vasadi Adinarayana,
Addepallivari Street, Vizianagaram.

..... PETITIONERS

AND

1 Government of A.P., Transport Department, Secretariat,
Hyderabad, rep. by its Principal Secretary.
2 Andhra Pradesh State Road Transport Corporation,

Musheerabad, Hyderabad, rep. by its Managing Director.
3 The Depot Manager, APSRTC, Vizianagaram Depot,

Vizianagaram.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue writ of mandamus or any other appropriate writ or direction declaring the action of the respondents in not extending the benefits envisaged under Notification No. PD-14/2003 dt.8.10.2003 issued by the 2nd respondent corporation to the petitioner is not legal and the same is arbitrary and consequently direct the respondent 2 and 3 to pay the benefits as per the notification dt.8.10.2003 and pass such other or further orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: MR.A.JAGANNATHA RAO

Counsel for the Respondent No.1: GP FOR TRANSPORT

Counsel for the Respondents 2 and 3: MR.B.G.UMA DEVI

WRIT PETITION NO: 25185 of 2004

Between:

1 Sangani Krishna Murthy, S/o Veerraju, Hindu,
3/183, Morampudi, Rajahmundry, E.G. District.
2 Jeeri Rambabu - E 55185, S/o Hanumantha Rao, Hindu,
D.No. 8623-6, V.K. Puram,, Rajahmundry, E.G. District.
3 Pilli Veerraju - E 64684, S/o Appalaswamy, Hindu,
D.No. 86-27-6, V.K. Puram, Rajahmundry, E.G. District.
4 Endukurri Anjaneya Raju - E 110306, S/o Tirupathi Raju, Hindu,
D.No. 4-141,Dwarapudi ,Mandapeta Mandal, E.G. District.
5 Syed Abdul Rasheed - E-68965, S/o Syed Makdum, Muslim,
D.No. 44-6-28,Madam Singhpeta,Rajahmundry, E.G. District.
6 Addanki Narayana Rao, S/o Ammiraju, Hindu,
D.No. 7-7-18, T. Nagar, Rangachari Road,
Rajahmundry, E.G. District.
7 Vanteddu Suryachandra Rao, S/o Satyanarayana Murthy, Hindu,
D.No. 15-176, Gollapeta, Dowlaiswaram, E.G. District.
8 Mulaka Apparao - 88415, S/o Durgayya, Hindu,
D.No. 26-7-4, Kambalapeta, Rajahmundry, E.G. District.

..... PETITIONERS

AND

1 Principal Secretary, Transport Department,
Government of Andhra Pradesh, Secretariat, Hyderabad.
2 Managing Director, APSRTC, Musheerabad,Hyderabad.
3 Depot Manager, APSRTC, Rajahmundry, E.G. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, directing the respondents to take steps to implement the benefits given under the Notification No. PD-14/2003, dt.8-10-2003 in pursuant to the amended Regulation 6-A (5) of Service Regulations dt.28-7-2003 or in alternative the respondents may be directed to implement the benefits given under the persons with Disabilities (equal opportunities, protections of rights and full participation) Act, 1995 to the petitioners herein and pass such other order or orders.

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondent NO.1: GP FOR TRANSPORT

Counsel for the Respondents 2 and 3: MR.B.G.UMA DEVI

The Court, at the stage of admission, made the following:

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NOs : 24744 and 25185 of 2004

COMMON ORDER:

Since the issue involved in both the writ petitions is common with regard to the implementation of the benefits given under Notification dated 08-10-2003 in pursuant to the Amended Regulation 6-A (5) of the AP State Road Transport Corporation Employees (Service) Regulations, 1964 (for brevity 'Regulation 6-A (5) of the Regulations, 1964), dated 28-07-2003, they are being disposed of by this common order.

2. The factual matrix is not in dispute. The only point that arises for consideration in these writ petitions is whether the Amended Regulation 6-A (5) of Service Regulations, dated
28-07-2003 has come into effect on the date of Notification or after approval given by the Government.

3. The stand taken by the respondent-Corporation is that the said notification was sent to the Government for approval and after sanctioning only the said Regulation will come into effect.

4. On the other hand, the learned counsel for the petitioners contended

that the Amended Regulation is notified in the annexure for implementation with immediate effect. Therefore, the question of approval from the Government does not arise.

5. With regard to the approval for amendment of Regulation 6-A (5) of the Regulations, 1964, the respondent Corporation passed a resolution No.128/2003, dated
28-07-2003. The Board accorded approval for Amendment of Regulation 6-A (5) of the Regulations, 1964 providing better benefits to the medically unit drivers, and the Chair Person accorded approval for implementing the same pending sanction of the Government. It is also made clear that the Amended Regulation is therefore notified in the Annexure for implementation with immediate effect.

6. A plain reading of the above Notification makes it very clear that the Regulation 6-A (5) of the Regulations, 1964 has come into effect for implementation with immediate effect.

7 . Therefore, the petitioners are entitled to the benefits of the said Amended Regulation. However, certain instructions have been issued vide proceedings dated
08-11-2003 informing that the notification dated 08-10-2003 has been suspended pending sanction of the Government and directed the authorities not to implement the said Amendment until further instructions. But the petitioners retired from service before 10-11-2003. Therefore, the said circular has no application insofar as entitlement of the petitioners' medical benefits is concerned. Since the Board has passed a resolution to give effect to the Amended regulations with immediate effect, the respondents corporation is bound to the resolution passed by the Board.

8. Hence, both the writ petitions are allowed, directing the respondents to take further steps to implement the benefits given under the Notification dated 08-10-2003, within a period of three months from the date of receipt of a copy of this order. No costs.

February 18, 2005

Kvr

To

1 The Principal Secretary, Transport Department,
Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The Managing Director, APSRTC, Musheerabad,Hyderabad.
3 The Depot Manager, APSRTC, Rajahmundry, E.G. District.

4 The Depot Manager, APSRTC, Vizianagaram Depot,

Vizianagaram.

5 Two C.Cs. to G.P. for Transport, High Court buildings,

High Court of A.P., Hyderabad, (OUT).

6 Two C.D copies.